

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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YVONNE HOWETH, as personal representative of Glenn Howeth, decedent, JAMES BELTRAN, next of friend of Tenniel Howeth, TRAVIS HOWETH, ROBERT HOWETH, REBECCA HOWETH, WESLEY HOWETH, KEN SCHULTZ, AMY SCHULTZ AND MICHAEL SHULTZ,

Plaintiffs,

vs.

ARAMARK CORPORATION, TWIN ANCHORS MARINE, WESTERBEKE CORPORATION, ARAMARK SPORTS AND ENTERTAINMENT SERVICES, MARINE TECHNOLOGIES, AND CENTEK INDUSTRIES,

Defendants.

MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT ARAMARK CORPORATION'S MOTIONS TO STAY

Case No. 2:10-CV-221 TS

This matter is before the Court on two Motions to Dismiss and/or Stay filed by Defendant Aramark. The underlying action is one in admiralty based on alleged carbon-monoxide poisoning suffered on a house boat in Lake Powell. In 2008, Defendant Aramark filed a

complaint with this Court requesting that it either exonerate or limit Defendant's liability under the applicable Admiralty and Maritime rules.

Defendant Aramark filed its first Motion to Stay, in this action, on April 29, 2010, as an alternative to its Motion to Dismiss Plaintiffs' Second Amended Complaint. That Motion was joined by Defendant Westerbeke. Defendant Aramark filed its second Motion to Stay on May 4, 2010, again as an alternative to its Motion to Dismiss Defendant Centek's Cross Claims. That Motion was joined by Defendant Anchors Marine.

Defendant refers to an Order in the underlying case,<sup>1</sup> dated January 20, 2009,<sup>2</sup> which specifically stays "the further prosecution of any and all actions, suits and proceedings already commenced and commencement or prosecution thereafter of any and all suits . . ." until the determination of that action.<sup>3</sup>

It is undisputed that this action is related to and based on the same incident as the underlying one. Therefore, in accordance with this Court's previous Order, it is hereby ORDERED that Defendant's Motion to Stay (Docket No. 39) is GRANTED. It is further ORDERED that Defendant's Motion to Stay (Docket No. 41) is GRANTED.

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<sup>1</sup>*In the Matter of the Complaint of ARAMARK SPORTS AND ENTERTAINMENT SERVICES, LLC*, 2:08-CV-976 TS (D. Utah filed Dec. 19, 2008).

<sup>2</sup>The parties refer to this as the January 20, 2008 Order. However, the Order appears as Docket No. 8, filed on January 20, 2009.

<sup>3</sup>*In the Matter of the Complaint of ARAMARK SPORTS AND ENTERTAINMENT SERVICES, LLC*, 2:08-CV-976 TS, Docket No. 8, ¶ 3.

This matter shall be stayed until the determination of the underlying action 2:08-CV-976  
TS currently before the Court.

DATED July 12, 2010.

BY THE COURT:

  
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TED STEWART  
United States District Judge